

ORIGINAL

JOHN HARRIS PAER #1551-0  
41 B Kepola Place  
Honolulu, Hawaii 96817  
Telephone: (808) 595-7179  
Facsimile: (808) 595-3918  
email: [paerj001@hawaii.rr.com](mailto:paerj001@hawaii.rr.com)

NORMAN K. K. LAU #1795  
820 Mililani Street, Suite 701  
Honolulu, Hawaii 96813  
Telephone: (808) 523-6767  
Facsimile: (808) 523-6769  
email: [norm@normlau.com](mailto:norm@normlau.com)

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

DORIS LEE,

Plaintiff,

vs.

NCB MANAGEMENT SERVICES, INC.,

Defendant.

CIVIL NO.

COMPLAINT; EXHIBITS "A and B";  
SUMMONS

CV07 00077 HG-BMK

FILED ON THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

FEB 15 2007

at 11 o'clock and 20 min. A.M.  
SUE BEITIA, CLERK

COMPLAINT

COMES NOW Plaintiff, by and through his undersigned attorney and alleges as follows:

INTRODUCTION

1. This Complaint is filed and these proceedings are instituted under the "Fair Debt Collection Practices Act" 15 U.S.C. Section 1692, et seq., to recover actual and statutory damages, reasonable attorney's fees and costs of suit by reason of the Defendant's violations of that Act. Plaintiff seeks actual and

statutory damages arising out of Defendant's misrepresentations and failure to make required disclosures in the collection of an alleged debt.

#### JURISDICTION

2. The jurisdiction of this Court is invoked pursuant to 15 U.S.C.A. Section 1692k(d) and 28 U.S.C.A. Section 1337. The supplemental jurisdiction of this Court is invoked over Count II of the Complaint, which arises under Chapters 443B and 480 of the Hawaii Revised Statutes.

#### PARTIES

3. Plaintiff is a natural person and is a resident of the State of Hawaii.

4. Defendant is a corporation doing business in the State of Hawaii as a collection agency and debt collector, and is subject to the jurisdiction of this Court.

#### FACTS

5. Within the year prior to the filing of this action, Defendant has been attempting on behalf of a third party to collect an alleged debt from Plaintiff, both by mail and by telephone.

6. On January 10, 2007, Frank Walton, an employee of Plaintiff called the undersigned's telephone number and asked to speak with Plaintiff.

7. The undersigned told Mr. Walton that he had reached Plaintiff's counsel.

8. Mr. Walton stated he was calling on behalf of Defendant, that Plaintiff owed Bank of America a debt in the amount of some \$23,000.00 that had been assigned to Defendant for collection, and he demanded payment of that debt.

9. After the undersigned orally disputed the debt on behalf of Plaintiff, Mr. Walton threatened to contact Plaintiff directly, stating "You're a joke. I'll get hold of Doris in my own way".

10. On January 16, 2007, Plaintiff received Defendant's first collection letter dated January 9, 2007. A true copy of that letter is attached hereto as Exhibit "A".

11. On January 24, 2007, Mr. Walton called the undersigned's telephone number again and again asked for Plaintiff and again demanded payment of the above-described debt.

12. On or about February 8, 2007 Defendant mailed its second letter to Plaintiff which she received on February 13, 2007. A true and correct copy of that letter is attached hereto as Exhibit "B".

13. The underlying debt was incurred primarily for personal, family, or household purposes.

14. Plaintiff hereby disputes the alleged debt and requests verification of the alleged debt.

COUNT I

15. Plaintiff realleges and incorporates paragraphs 1 through 14 of this Complaint.

16. Defendant has violated the Fair Debt Collection Practices Act in the following ways:

(a) Defendant has used false, deceptive and misleading misrepresentations in connection with the collection of the above claim in violation of 15 U.S.C. §1692e.

(b) Defendant has used unfair means to attempt to collect the above claim in violation of 15 U.S.C. §1692f.

(c) Defendant has not sent to Plaintiff the proper notices and/or verifications required by the Act in violation of 15 U.S.C. §1692g.

(d) Defendant has violated 15 U.S.C. §1692c.

#### COUNT II

17. Plaintiff realleges and incorporates paragraphs 1 through 16 of this Complaint.

18. Defendant has violated Chapter 443B and 480 of the Hawaii Revised Statutes as alleged above.

19. Defendant's violations of the Fair Debt Collection Practices Act and/or H.R.S. Chapter 443B constitute unfair and deceptive acts or practices in violation of H.R.S. Chapter 480.

20. Defendant's contacts, demands and disclosures in connection with the above-described collection were immoral, unethical, oppressive, unscrupulous, and substantially injurious to Plaintiff as a consumer, and were unfair and deceptive, in violation of H.R.S. Chapter 480. The acts and representations of Defendant described herein had the capacity of deceive Plaintiff.

21. Plaintiff has suffered injury to her property in an amount to be proved at trial, by reason of Defendant's violations.

WHEREFORE, Plaintiff prays that the Court:

AS TO COUNT I

1. Award Plaintiff her actual damages as will be proved.
2. Award Plaintiff statutory damages of \$1000.00.

AS TO COUNT II

3. Award Plaintiff damages in the amount of three times the injury to her property, but not less than \$1000.00.

AS TO ALL COUNTS

4. Award Plaintiff reasonable attorneys' fees and costs.
5. Award Plaintiff other appropriate relief.

DATED: Honolulu, Hawaii, February 14, 2007.

  
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JOHN HARRIS PAER  
Attorney for Plaintiff